

**SPECIAL FEDERAL AVIATION REGULATION (SFAR) NO. 53—ESTABLISHMENT OF WARNING AREAS IN THE AIRSPACE OVERLYING THE WATERS BETWEEN 3 AND 12 NAUTICAL MILES FROM THE UNITED STATES COAST**

1. *Applicability.* This rule establishes warning areas in the same location as nonregulatory warning areas previously designated over international waters. This special regulation does not affect the validity of any nonregulatory warning area which is designated over international waters beyond 12 nautical miles from the coast of the United States. This special regulation expires on January 15, 1996.

2. *Definition—Warning area.* A warning area established under this special rule is airspace of defined dimensions, extending from 3 to 12 nautical miles from the coast of the United States, that contains activity which may be hazardous to nonparticipating aircraft. The purpose of such warning areas is to warn nonparticipating pilots of the potential danger. Part 91 is applicable within the airspace designated under this special rule.

*Non-regulatory warning area.* A non-regulatory warning area is airspace of defined dimensions designated over international waters that contains activity which may be hazardous to nonparticipating aircraft. The purpose of such warning areas is to warn nonparticipating pilots of the potential danger.

3. *Participating aircraft.* Each person conducting an aircraft operation within a warning area designated under this special rule and operating with the approval of the using agency may deviate from the rules of part 91, subpart B, to the extent that the rules are not compatible with approved operations.

4. *Nonparticipating aircraft.* Nonparticipating pilots, while not excluded from the warning areas established by this SFAR, are on notice that military activity, which may be hazardous to nonparticipating aircraft, is conducted in these areas.

[Doc. No. 25767, 54 FR 261, Jan. 4, 1989, as amended by SFAR 53-1, 54 FR 51287, Dec. 13, 1989; SFAR 53-2, 55 FR 53267, Dec. 27, 1990; SFAR 53-3, 58 FR 69130, Dec. 29, 1993]

### Subpart A—General

#### § 73.1 Applicability.

The airspace that is described in subpart B and subpart C of this part is designated as special use airspace. These parts prescribe the requirements for the use of that airspace.

#### § 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.

(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level. Unless otherwise specified, the word “to” (an altitude or flight level) means “to and including” (that altitude or flight level).

(c) The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.

(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

#### § 73.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

### Subpart B—Restricted Areas

#### § 73.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

#### § 73.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of

(a) The using agency described in § 73.15; or

(b) The controlling agency described in § 73.17.

#### § 73.15 Using agency.

(a) For the purposes of this subpart, the following are using agencies;

(1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.

(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.

(c) The using agency shall—

(1) Schedule activities within the restricted area;

(2) Authorize transit through, or flight within, the restricted area as feasible; and

(3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

#### § 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA facility that may authorize transit through or flight within a restricted area in accordance with a joint-use letter issued under § 73.15.

#### § 73.19 Reports by using agency.

(a) Each using agency shall prepare a report on the use of each restricted area assigned thereto during any part of the preceding 12-month period ended September 30, and transmit it by the following January 31 of each year to the Manager, Air Traffic Division in the regional office of the Federal Aviation Administration having jurisdiction over the area in which the restricted area is located, with a copy to the Program Director for Air Traffic Airspace Management, Federal Aviation Administration, Washington, DC 20591.

(b) In the report under this section the using agency shall:

(1) State the name and number of the restricted area as published in this part, and the period covered by the report.

(2) State the activities (including average daily number of operations if appropriate) conducted in the area, and any other pertinent information concerning current and future electronic monitoring devices.

(3) State the number of hours daily, the days of the week, and the number of weeks during the year that the area was used.

(4) For restricted areas having a joint-use designation, also state the number of hours daily, the days of the week, and the number of weeks during the year that the restricted area was released to the controlling agency for public use.

(5) State the mean sea level altitudes or flight levels (whichever is appropriate) used in aircraft operations and the maximum and average ordinate of surface firing (expressed in feet, mean sea level altitude) used on a daily, weekly, and yearly basis.

(6) Include a chart of the area (of optional scale and design) depicting, if used, aircraft operating areas, flight patterns, ordnance delivery areas, surface firing points, and target, fan, and impact areas. After once submitting an appropriate chart, subsequent annual charts are not required unless there is a change in the area, activity or altitude (or flight levels) used, which might alter the depiction of the activities originally reported. If no change is to be submitted, a statement indicating “no change” shall be included in the report.

(7) Include any other information not otherwise required under this part which is considered pertinent to activities carried on in the restricted area.

(c) If it is determined that the information submitted under paragraph (b) of this section is not sufficient to evaluate the nature and extent of the use of a restricted area, the FAA may request the using agency to submit supplementary reports. Within 60 days after receiving a request for additional information, the using agency shall submit such information as the Program Director for Air Traffic Airspace Management considers appropriate. Supplementary reports must be sent to the FAA officials designated in paragraph (a) of this section.

(Secs. 307 and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354(a)))

[Doc. No. 15379, 42 FR 54798, Oct. 11, 1977, as amended by Amdt. 73-5, 54 FR 39292, Sept. 25, 1989; Amdt. 73-6, 58 FR 42001, Aug. 6, 1993; Amdt. 73-8, 61 FR 26435, May 28, 1996; Amdt. 73-8, 63 FR 16890, Apr. 7, 1998]